

Panaji, 19th February, 1976 (Magha 30, 1897)

SERIES I No. 47

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (Transport and Accommodation)

Notification

HD(TA-Tpt)/1-18/75

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by clause (i) of sub-section (2) of section 91 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty fourth Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 6.23.*— The existing rule 6.23 of the Goa, Daman and Diu Motor Vehicles Rules, 1965 shall be renumbered as sub-rule (1) thereof and the following rule shall be inserted as sub-rule (2), namely:—

“(2) Whenever any motor vehicle other than a public service vehicle approaches an unmanned

railway level crossing, the vehicle shall be stopped by the driver who shall look on both sides and shall make sure that the way is clear and then move ahead to pass an unmanned level crossing”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 2nd February, 1976.

Law and Judiciary Department

Notification

LD/3439/75-A

The following Central Bills which were recently passed by the Parliament and assented to by the President of India on 7-8-75 and published in the Gazette of India (Extraordinary), Part II, Section 1 dated 7-8-75 are hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 6th September, 1975

The Telegraph Wires (Unlawful Possession) Amendment Act, 1975

AN

ACT

further to amend the Telegraph Wires (Unlawful Possession) Act, 1950.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Telegraph Wires (Unlawful Possession) Amendment Act, 1975.

2. *Amendment of section 2.*— In section 2 of the Telegraph Wires (Unlawful Possession) Act, 1950 (hereinafter referred to as the principal Act), for clause 74 of 1950.

(b), the following clause shall be substituted, namely:—

“(b) “telegraph wire” means any copper wire the diameter of which, in millimetres, is—

(i) not less than 2.43 and not more than 2.53; or

(ii) not less than 2.77 and not more than 2.87; or

(iii) not less than 3.42 and not more than 3.52.”

3. Amendment of section 5.—In section 5 of the principal Act, —

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) for the first offence, with imprisonment for a term which may extend to five years, or with fine or with both, and, in the absence of special and adequate reasons to be recorded in the judgment of the Court, the term of such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees;”;

(ii) in clause (b), for the words “to be mentioned in the judgment of the court, such imprisonment”, the words “to be recorded in the judgment of the Court, the term of such imprisonment” shall be substituted.

4. Insertion of new sections 6A and 6B.—After section 6 of the principal Act, the following sections shall be inserted namely:—

“6A. Powers of search and seizure.—(1) A police officer not below the rank of a sub-inspector may seize, or search any place and seize, —

(i) any telegraph wire;

(ii) any conveyance or animal used for the transport of such telegraph wire,

if a reasonable suspicion exists that any provision of this Act has been, or is being, or is about to be, contravened in respect of such telegraph wire.

(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to searches and seizures made under this section. 2 of 1974.

6B. Confiscation of telegraph wires, conveyances, etc.—Where any person has been convicted for the contravention of any of the provisions of this Act, the telegraph wires in relation to which the contravention has been made, and any conveyance or animal used for the transport of such telegraph wires, shall be liable to confiscation by the Court unless the owner of the conveyance or animal proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance or animal and that each of them had taken all reasonable precautions against such use:

Provided that where any such conveyance or animal is used for the transport of goods or passengers for hire, the owner of the conveyance or animal shall be given an option to pay in lieu of the confiscation of the conveyance or animal, a fine, not exceeding the market price of the con-

veyance or animal on the date of seizure thereof or the value of the telegraph wires in relation to which the contravention has been made, whichever is less:

Provided further that any telegraph wires, so seized and confiscated shall be handed over by the Court to such authority as may be specified by the Central Government.”.

5. Amendment of section 7.—In section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant within the meaning of section 21 of the Indian Penal Code.”. 45 of 1860.

6. Amendment of section 8.—In sub-section (3) of section 8 of the principal Act, for the words “or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

The Provident Funds (Amendment) Act, 1975

AN

ACT

further to amend the Provident Funds Act, 1925.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Provident Funds (Amendment) Act, 1975.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new section 6A.—After section 6 of the Provident Funds Act, 1925 19 of 1925. (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“6A. Withholding or recovery of Government contributions in case of Central Government officers taking up, without prior permission, commercial employment within two years of their retirement.

—(1) In this section, unless the context otherwise requires, —

(a) “Central Government officer” means a subscriber to, or depositor in, a contributory provident fund constituted by the Central Government, who, immediately before his retirement, is a member of a Central Service Class I, but does not include an officer appointed under a contract of service for a specified term;

(b) “commercial employment” means employment in any capacity (including that of an agent) under any company, co-operative society,

firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also —

- (i) a directorship of a company;
- (ii) the holding of any office, whether elective or otherwise, such as that of president, chairman, manager, secretary, treasurer, by whatever name called in a co-operative society; and
- (iii) the setting up of practice, either independently or as partner of a firm, as adviser or consultant in matters in respect of which the Central Government officer, —

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(B) has professional qualification, but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of the posts held by him under the Central Government, or

(C) has to undertake work involving liaison or contact with the offices or officers of Central Government,

but does not include employment in or under a corporation or company wholly or substantially owned or controlled by Government or employment in or under a body controlled or financed wholly or substantially by Government;

(c) "Government contributions" means contributions made after the commencement of the Provident Funds (Amendment) Act, 1975, in respect of any period after such commencement, by the Central Government or by a State Government or by a local authority within the meaning of the Local Authorities Loans Act, 1914;

9 of 1914.

(d) "prescribed" means prescribed by rules made by the Central Government by notification in the Official Gazette.

(2) No Central Government officer shall have any right to the Government contributions made to his credit in a contributory provident fund in any case where he takes up commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central Government.

Explanation 1. — For the purposes of this sub-section and sub-section (7), "date of retirement" in relation to a Central Government officer re-employed after retirement without any break either in the same or any other Class I post under the Central Government or any other equivalent post under a State Government, shall mean the date on which such Central Government officer finally ceases to be re-employed in Government service.

Explanation 2. — A Central Government officer permitted by the Central Government to take up a particular Commercial employment during his leave preparatory to retirement shall be deemed,

for the purposes of this sub-section, to have obtained prior permission of the Central Government for his continuance in such employment after retirement.

(3) Subject to the provisions of sub-section (4), the Central Government may, by order in writing, on an application made in the prescribed form by a Central Government officer, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission, to such officer to take up the commercial employment specified in the application.

(4) In granting or refusing permission under this section to a Central Government officer for taking up any commercial employment, the Central Government shall have regard to the following factors, namely: —

(a) the nature of the employment proposed to be taken up and the antecedents of the employer;

(b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;

(c) whether the officer while in service had any such dealing with the employer under whom he proposes to seek employment, as might afford a reasonable basis for the suspicion that such officer had shown favours to such employer;

(d) any other relevant factors which may be prescribed.

(5) Where within a period of sixty days of the date of receipt of an application under sub-section (3), the Central Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Central Government shall be deemed to have granted the permission applied for.

(6) Where the Central Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Central Government to that effect, make a representation against any such condition or refusal and the Central Government may make such orders thereon as it deems fit:

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-section without giving the person making the representation an opportunity to show cause against the order proposed to be made.

(7) If any Central Government officer takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this section, it shall be competent for the Central Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to such part of the Government contributions made in relation to such officer as may be specified in the order and if he has received payment thereof, to direct that he shall refund to

the Central Government an amount equivalent to such part of the Government contributions:

Provided that no such order shall be made without giving the officer concerned an opportunity of showing cause against such declaration or direction:

Provided further that in making any order under this sub-section, the Central Government shall have regard to the following factors, namely:—

- (i) the financial circumstances of the officer concerned;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the officer concerned;
- (iii) such other relevant factors as may be prescribed.

(8) Any amount required to be refunded by an order under sub-section (7) may, if it is not refunded within the prescribed period, be recovered as arrears of land revenue.

(9) Every order passed by the Central Government under this section shall be communicated to the officer concerned.

(10) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other provision of this Act or the rules applicable to any contributory provident fund.

(11) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

3. Amendment of section 8.—In sub-sections (1) and (2) of section 8 of the principal Act, after the words "provisions of this Act", the brackets, words, figure and letter "(except section 6A)" shall be inserted.

The Agricultural Refinance Corporation (Amendment) Act, 1975

AN

ACT

further to amend the Agricultural Refinance Corporation Act, 1963.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Agricultural Refinance Corporation (Amendment) Act, 1975.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1.—(1) In section 1 of the Agricultural Refinance Corporation Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), after the word "Refinance", the words "and Development" shall be inserted.

(2) Any reference to the Agricultural Refinance Corporation Act, 1963, in any other law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Agricultural Refinance and Development Corporation Act, 1963.

3. Amendment of section 2.—In section 2 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) "central land development bank" means the principal land development bank in a State (by whatever name called), which is registered, or deemed to be registered, under the Cooperative Societies Act, 1912, or any other law for the time being in force in any State relating to co-operative societies and the primary object of which is the providing of long-term finance for agricultural development;

Provided that, in addition to such principal land development bank in a State, or where there is no such bank in a State, the State Government may, with the previous approval of the Reserve Bank, declare any co-operative society carrying on business in that State and authorised by the bye-laws of such co-operative society to provide long-term finance for agricultural development, to be a central land development bank within the meaning of this Act;

(ii) in clause (e), after the word "Refinance", the words "and Development" shall be inserted;

(iii) in clause (f),—

(a) in sub-clause (i),—

(1) for the words "central land mortgage bank", the words "central land development bank" shall be substituted,

(2) the word "and", occurring at the end, shall be omitted;

(b) in sub-clause (ii), for the words "central land mortgage bank", the words "central land development bank" shall be substituted;

(c) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) such other institution as may, on the recommendation of the Reserve Bank, be approved by the Central Government in this behalf;"

4. Amendment of heading to Chapter II.—In Chapter II of the principal Act, in the heading, after the word "REFINANCE", the words "AND DEVELOPMENT" shall be inserted.

5. Insertion of new section 3A.—After section 3 of the principal Act, the following section shall be inserted, namely:—

“3A. Change of name of “Agricultural Refinance Corporation”.—(1) On the commencement of the Agricultural Refinance Corporation (Amendment) Act, 1975, the Corporation established under section 3 and known as the Agricultural Refinance Corporation shall be renamed as the Agricultural Refinance and Development Corporation.

(2) The change of name of Agricultural Refinance Corporation by sub-section (1) shall not—

(a) affect any right or obligation of that Corporation subsisting immediately before the commencement of the Agricultural Refinance Corporation (Amendment) Act, 1975;

(b) render defective any suit or other legal proceeding pending, immediately before such commencement, by or against that Corporation in its former name; and

(c) affect the institution, continuation or commencement of any suit or other legal proceeding which could have been instituted, continued or commenced, by or against that Corporation in its former name before such commencement.”

6. Amendment of section 4.—In section 4 of the principal Act, for the words “in other places in India”, the words “anywhere in India” shall be substituted.

7. Amendment of section 5.—In section 5 of the principal Act,—

(i) in sub-section (2), in clause (b), for the words “central land mortgage banks”, the words “central land development banks” shall be substituted;

(ii) in sub-section (5), after the words “the remaining shares”, the words, brackets and figure “referred to in sub-section (1)” shall be inserted;

(iii) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) Notwithstanding anything contained in sub-section (1), on the commencement of the Agricultural Refinance Corporation (Amendment) Act, 1975, the Reserve Bank may, with the previous approval of the Central Government, increase the authorised capital of the Corporation up to one hundred crores of rupees, such further capital also being divided into fully paid-up shares of ten thousand rupees each.

(5AA) Notwithstanding anything contained in sub-section (5), out of the further capital issued pursuant to the increase of the authorised capital under sub-section (5A), the Reserve Bank shall, and the institutions mentioned in clauses (b) and (c) of sub-section (2) may, subscribe for such shares in such manner and in such proportion, as may be prescribed.

(5AB) The Reserve Bank shall not, at any time, hold less than fifty per cent. of the further capital of the Corporation which is issued pursuant to the increase of the authorised capital under sub-section (5A).

(5AC) The allotment of shares, issued pursuant to the increase of the authorised capital under sub-section (5A), shall be made by the Board in accordance with the regulations made in this behalf and if any such shares remain unallotted, they shall be subscribed for by the Reserve Bank:

Provided that the Reserve Bank may dispose of such shares to any institution mentioned in clause (b) or clause (c) of sub-section (2):

Provided-further that no such disposal shall be made, if, as a result of such disposal, the shares held by the Reserve Bank in the further capital of the Corporation, issued pursuant to the increase of the authorised capital under sub-section (5A), will fall below fifty per cent. of such further capital.”

8. Amendment of section 7.—In section 7 of the principal Act, for the words “Banking Companies Act,” the words “Banking Regulation Act” shall be substituted.

9. Amendment of section 10.—In section 10 of the principal Act, in clause (d), for the words “central land mortgage banks”, the words “central land development banks” shall be substituted.

10. Amendment of section 17.—In section 17 of the principal Act, in sub-section (3), after the words “as it may decide”, the words “and every committee so constituted shall discharge such functions as may be prescribed or may be delegated to it by the Board” shall be inserted.

11. Amendment of section 20.—In section 20 of the principal Act, in sub-section (1),—

(a) in clause (c), the word “and”, occurring at the end, shall be omitted;

(b) in clause (d), for the words “a central land mortgage bank”, the words “a central land development bank” shall be substituted; and the word “and” shall be inserted at the end;

(c) after clause (d), the following clause shall be inserted namely:—

“(e) receive gifts, grants, donations or benefactions from Government or any other source and such gifts, grants, donations or benefaction shall not be treated as the income, profits and gains of the Corporation.”

12. Amendment of section 22.—In section 22 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (b), after the words, brackets and figures “in sub-clause (ii)”, the words, brackets and figures “, or sub-clause (iv),” shall be inserted;

(ii) for clause (c) and the proviso thereto, the following clause shall be substituted, namely:—

“(c) the purchasing of, or subscribing to, the bonds or debentures of any eligible institution, repayable within a period not exceeding twenty-five years from the dates on which they are issued and the selling of such bonds or debentures;”;

(iii) in clause (d),—

(1) the words "from outside India" shall be omitted;

(2) in sub-clause (i), after the words, brackets and figures "in sub-clause (ii)", the words, brackets and figures "or sub-clause (iv)," shall be inserted;

(iv) in clause (e), for the words "or debentures subscribed for or to be subscribed for, by such Government; and", the words "or bonds or debentures purchased or subscribed for, or to be purchased or subscribed for, by such Government;" shall be substituted;

(v) after clause (e), the following clause shall be inserted namely:—

"(ea) undertaking researches, surveys and techno-economic studies on its own, or through an agency approved by the Corporation in this behalf, where, in the opinion of the Corporation, doing so may facilitate the exercise by the Corporation of its powers and functions or the discharge of its duties; and";

(b) in sub-section (4), in the first proviso, in clause (ii), after the words "guarantee is necessary", the words "in respect of an eligible institution, or any class of eligible institutions or having regard to the nature and scope of the scheme or schemes for which such accommodation is granted by the Corporation" shall be inserted;

(c) in sub-section (5), the words "or for the purpose of providing working capital" shall be omitted.

13. Omission of section 23.—Section 23 of the principal Act shall be omitted.

14. Amendment of section 30.—In section 30 of the principal Act,—

(i) in sub-section (1), for the words "by an auditor duly qualified to act as auditor", the words "by one or more auditors duly qualified to act as auditor or auditors of companies" shall be substituted;

(ii) in sub-section (2), in sub-section (3) and in sub-section (4), for the words "The auditor", the words "Every auditor" shall be substituted;

(iii) in sub-section (5),—

(a) for the words "The auditor", the words "The auditor or auditors" shall be substituted;

(b) for the words "accounts examined by him and in every such report he shall state whether in his opinion", the words "accounts examined by him or them, as the case may be, and in every such report he or they shall state whether in his or their opinion" shall be substituted;

(c) for the words "in case he had called for any explanation", the words "in case he or they had called for any explanation" shall be substituted.

15. Amendment of section 46.—In section 46 of the principal Act,—

(i) in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the manner in which and the proportion in which the shares of the Corporation shall, or may, be subscribed for after the authorised capital of the Corporation has been increased beyond twenty-five crores of rupees;"

(ii) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."